



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/575,864

05/15/2007

Hans-Georg Frank

P71215US0

6812

136 7590 06/06/2008

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

WOODWARD, CHERIE MICHELLE

ART UNIT

PAPER NUMBER

1647

MAIL DATE

DELIVERY MODE

06/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10575864	5/15/2007	FRANK ET AL.	P71215US0

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

CHERIE M.. WOODWARD

ART UNIT	PAPER
----------	-------

1647	20080603
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 5/21/2008 is not fully responsive to the Requirement for Restriction/Election mailed 4/21/2008 because of the following omission(s) or matter(s): Applicant has not elected ONE species to be examined. On page 1 of the Response, Applicant elects "Formulas" and recites all 19 species recited under the heading of formulas. Applicant has identified the subgenus of "formulas" for examination, but has not elected a single species within that subgenus to be examined. In order to be fully responsive to the Requirement for Restriction/Election, Applicant is required to elect ONE species for examination. The requirement for the species election was set forth on pages 3 and 4 of the Office Action mailed 4/21/2008. See specifically, paragraphs 3 and 4. For clarity, because each of the 19 "formulas" represents a unique structure and function, ONE species of formula is required to be elected for examination. If the ONE elected species is found to be allowable, the examiner will proceed with the rejoinder and examination of a second species, and so on, as provided by 37 CFR 1.141, and as set forth in the Requirement for Restriction/Election.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Regarding Applicant's comments in response to the examiner's statement of lack of sequence compliance, it appears from the claims and the specification that the claims are drawn to peptidic compounds, that is, an amino acid structure comprising more than four amino acid residues, such as the helix-type bundle cytokines (i.e. IL-2, IL-4, IL-6, and EPO). It appears that the subject matter of the instant invention is directed to combinations of amide and disulfide bonds that are used to stabilize the bridge structures of the peptidic compounds (see specification, especially at pages 4 and 5). Applicant is REQUIRED to comply with the sequence requirements because the mere addition of a bridge structure to an otherwise known and well characterized non-cyclical peptide or protein, would not otherwise qualify the "bridge" structure as a "cyclic peptide with a tail". Additionally, in order to determine whether the claimed stabilized bridge structure(s) are known in the art, the examiner is required to search the structure. See, for example, claim 14, which comprises more than 4 amino acid residues, appears to be part of a larger peptide structure, is claimed in a helical conformation and does not meet the structural requirements of a "cyclic peptide with a tail." A formal notice to comply is attached.

As previously stated in the Requirement for Restriction/Election mailed 4/21/2008, this application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R., §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cherie M. Woodward whose telephone number is (571) 272-3329. The examiner can normally be reached on Monday - Friday 9:30am-6:00pm (EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on (571) 272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CMW/
AU 1647

/Gary Nickol/
SPE, AU 1646

Notice to Comply	Application No. 10/575,864	Applicant(s) FRANK et al.	
	Examiner Cherie Woodward	Art Unit 1647	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

X 7. Other: no sequence listing / CRF have been provided which includes the amino acid sequences presented e.g., page 35, lines 1-2; page 36, line 20.

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0623 or (571) 272-0731

For CRF Submission Help, call (571) 272-2510

PatentIn Software Program Support

Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-0623

PatentIn Software is Available At www.USPTO.gov

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

